

Notice of Allowability

Application No.

10/779,719

Applicant(s)

VAN STRAATEN, WILLEM
JOHANNES

Examiner

Jordan M. Schwartz

Art Unit

2873

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☐ This communication is responsive to _____.
2. ☒ The allowed claim(s) is/are 1-16.
3. ☒ The drawings filed on 18 February 2004 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Art Unit: 2873

Allowed Claims: 1-16.

Examiner's Amendment/Reasons for Allowance/Examiner's Comments

Examiner's Amendment

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Michael S. Huppert on April 4, 2005.

The application has been amended as follows:

1. In the Abstract, after the paragraph of the abstract, delete "(Fig. 1)";
2. In the Specification, page 5, line 5, change "0,10" to -0.10--;
3. In the Specification, page 5, line 6, change "0,05" to -0.05--;
4. In the Specification, page 9, line 1, change "2,25%" to -2.25%--;
5. In the Specification, page 9, line 2, change "1,1 to 1,5" to -1.1 to 1.5--;
6. In the Specification, page 9, line 3, change "1,4 and 1,5" to -1.4 and 1.5--;
7. In the Specification, page 9, line 5, change "n = 1,4; contribution to light factor = 97,8%" to --n = 1.4; contribution to light factor = 97.8%--;
8. In the Specification, page 9, line 6, change "1,5" to -1.5—
9. In the Specification, page 9, line 15, change "1,1" to -1.1--;
10. In the Specification, page 11, line 15, change "1,184" to -1.184--;

11. In the Specification, page 11, line 16, change "0,0513" to -0.0513--;
12. In the Specification, page 11, line 18, change "0,85" to -0.85--;
13. In the Specification, page 11, line 20, change "0,02" to -0.02--;
14. In the Specification, page 12, line 1, change "5,13%" to -5.13%--;
15. In the Specification, page 12, line 2, change "0,02 x 5,13 = 0,1%" to -
0.02 x 5.13 = 0.1%--;
16. Claim 1, line 9, delete "in the spectral" and insert therein -over the
spectral--;
17. Claim 2, line 2, delete "in the spectral" and insert therein -over the
spectral--.
18. Claim 7, line 3, change "0,10" to -0.10--;
19. Claim 8, line 2, change "0,05" to -0.05--;
20. Claim 10, line 2, change "2,0mm" to -2.0mm--; and
21. Claim 16, line 2, change "1,1" to -1.1--.

Reasons for Allowance

The following is an examiner's statement of reasons for allowance: none of the prior art either alone or in combination disclose or teach of the claimed combination of limitations to warrant a rejection under 35 USC 102 or 103. Specifically, with reference to independent claim 1, none of the prior art either alone or in combination disclose or teach of the claimed optical apparatus for creating an image on a background view specifically including, as the distinguishing features in combination with the other limitations, the claimed lens made from a material with an absorption of at least 60% at

least within the claimed spectral range and the second image directed onto the first eye by the inner reflective surface having a second intensity which is less than 16% of the claimed first intensity.

Examiner's Comments

For applicant's information, Yip et al and Salia-Munoz are being cited herein to show optical apparatuses having some similar structure to that of the claimed invention.

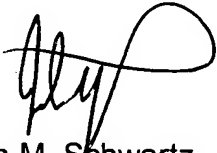
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jordan M. Schwartz whose telephone number is (571) 272-2337. The examiner can normally be reached on Monday to Friday from 8:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Georgia Y. Epps can be reached on (571) 272-2328. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2873

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'J. Schwartz', with a large, stylized loop at the end.

Jordan M. Schwartz
Primary Examiner
Art Unit 2873
April 4, 2005

Approved by
examiner
JF

